
POLICY

Each residential juvenile justice facility that operates its own school must develop and implement an Individualized Education Program (IEP) for each student determined to have a special education disability. The IEP is a written statement for each student with a disability that is developed, reviewed and revised periodically. This policy assumes that an education case manager has been appointed for the student and a Review of Existing Evaluation Data (REED) has been completed. This policy also assumes that any necessary multidisciplinary evaluation has been completed.

Staff at the facility must work with the student so that he/she learns to advocate for themselves during the special education process and, as the ultimate goal, lead their own IEP.

In cases where parental rights have been terminated or no parent(s)/legal guardian can be located after documented reasonable efforts to make contact, see [JRM 421, Appointment and Training of Surrogate Parents](#). Training of the youth's surrogate parent must be documented in case notes in the Juvenile Justice Information System and in the youth's education file.

PURPOSE

To ensure that each facility complies with federal law and state rules regarding Individualized Education Programs (IEP).

DEFINITIONS

See [JRG, JJ Residential Glossary](#).

RESPONSIBLE PARTY

Facility director or designee, education case manager, school social worker, teachers, and members of the Individualized Education Program team.

INDIVIDUALIZED EDUCATION PROGRAM

The education case manager must:

- Collaborate with the parent(s)/legal guardian in setting a time for the IEP meeting. The facility may reimburse the

parent(s)/legal guardian for reasonable costs (with receipts) of transportation, food and lodging incurred in support of the meeting. Invite the parent(s)/legal guardian to participate in the IEP meeting by sending the DHS-4309-BJJ-IN IEPT Invitation using certified mail with a self-addressed stamped envelope for returning the invitation. Ensure that the parent(s)/legal guardian have copies of the REED report and the multidisciplinary evaluation report prior to attending the IEP meeting. Inform the parent(s)/legal guardian of the availability of staff or community resources to assist them in clarifying their rights and preparing for the meeting.

- Advise the parent(s)/legal guardian of their right to invite others with knowledge or special expertise to assist them at the meeting.
- Make special accommodations to involve the parent(s)/legal guardian via video conference or telephone when they are unable to attend in person.
- Ensure that the student involved attends their meeting. If a significant event prohibits the student's attendance, the meeting must be rescheduled.
- Provide representatives from agencies outside DHS and the parent(s)/legal guardian with a list of the invitees.
- Schedule the meeting at least seven calendar days following contact with the parent(s)/legal guardian. The seven day limit may be modified with parent/legal guardian agreement.
- Convene the IEP team meeting. The team must make themselves knowledgeable of the youth's case in addition to the education file. The team must consider the REED and/or the multidisciplinary report in its declaration of eligibility for special education services and initiate planning of the youth's Individualized Education Program. Team members must include:
 - The parent(s)/legal guardian.
 - At least one general education teacher of the child.
 - At least one special education teacher of the child.
 - The education case manager or similarly knowledgeable staff.

- An individual who can interpret the instructional implications of the evaluation results (if different from above).
- Other individuals with knowledge or special expertise (at parent/guardian and facility discretion).
- The student.
- Document all required activities in case notes in the Juvenile Justice Information System and the student's education file including completion of the written IEP.

The IEP must be completed within 30 school days of the referral or receipt of initial consent for an evaluation. This may be extended if the parent(s)/legal guardian and facility agree. The agreement to extend the IEP date must be documented in writing in the case notes in the Juvenile Justice Information System.

Within seven calendar days of completion of the IEP, the education case manager, in coordination with the facility director or designee, must notify the parent(s)/legal guardian of intent to implement special education programs and services in accordance with the IEPT report. The report must identify where the programs and services are to be provided and when the program begins.

The facility director or designee must initiate special education services within 15 school days after the notice is provided. Services must be in accordance with the IEP.

The education case manager must ensure that the student's Individualized Education Program is reviewed annually and that a new program (including REED and multidisciplinary evaluation (if required)), is completed at least every three years.

SPECIAL EDUCATION PORTFOLIO

The education case manager must meet with each assigned student to develop a special education portfolio. The collection of this information must be shared at the Individualized Education Program team meetings and continued thereafter. Selected content of this information, as requested by the student, must be included in the IEP.

The education case manager must meet at least monthly with each student to review and update the content of the portfolio and the IEP.

The education case manager must use the student's interests, preferences, career choices, abilities, educational needs, and life skill adjustments in planning needed transition services. Additional areas that must be included in the self-determination/self-efficacy learning modules are personal responsibility, conflict management, and communication. Planned learning modules, courses of study, and needed transition services documents must be maintained in the special education portfolio and be accessible to the student.

Secondary courses and other educational experiences must be identified and included in the student's course of study. The course of study must include completion of academic requirements for graduation and must align with the preparatory experiences leading toward post-secondary goals.

TRANSITION SERVICES

In planning and coordinating transition services, the education case manager must include the student's interests, abilities, educational needs, post-secondary school goals, and adult life skills.

Each IEP must include:

- Appropriate measurable post-secondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills.
- The transition services, including courses of study, needed to assist the student in reaching those goals.

Assigned staff must assist students in preparing their statement of needed transition services. This statement lists the supports the student needs and will continue to need as an adult to accomplish life goals. Supports must be examined in areas of employment, instruction, community experiences, and adult/daily living.

If the statement of needed transition services requires the involvement of a vocational rehabilitation representative such as Michigan Rehabilitative Services (MRS) and other community organizations, a representative of that agency must be invited to the student's IEP

team meeting. When needed, the MRS representative must meet with the education case manager and student to:

- Determine eligibility for rehabilitation services.
- Provide suggestions for preparing an employment plan.
- Coordinate linkages with other community agencies.
- Initiate a referral for the area MRS site director where the youth is to be released.

If the services of community agencies are needed, the education case manager must obtain written commitment from the organization to provide services to the youth upon discharge.

Beginning at age 16, the facility director or designee must inform the youth and parent(s)/legal guardian verbally and in writing of the pending changes when the youth becomes 18 years old and rights pertaining to education transfer to the youth.

AUTHORITY

Individuals with Disabilities Education Improvement Act of 2004, 20 USC 1400 et seq.

Rules implementing the Individuals With Disabilities Education Improvement Act of 2004, 34 CFR 300.320-324 and 520.

Michigan Department of Education Administrative Rules for Special Education, R340.1721, 1722.